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4,624,164 AUSTRIANS ENTITLED TO VOTE IN PRESIDENTIAL ELECTION. The total number of persons entitled to vote in the forthcoming Austrian presidential election is 4,624,164 (2,034,588 men and 2,589,576 women). As compared with the number of eligible voters in the parliamentary election of 1956, the above-mentioned figure represents a total increase of 22,753 persons (11,469 men and 11,284 women).

GOVERNMENT PARTIES WIN, SPLINTER GROUPS LOSE IN PROVINCIAL ELECTIONS. General elections were held in Land Styria on March 10 for the Land Legislature and the Land Government. The vote reached the extraordinarily high figure of 96 per cent, even though Styria does not have compulsory voting. The results were as follows (the figures in parentheses are for the previous Styrian election in 1953):

People's Party	315,206 (268,546)
Socialist Party	296,370 (271,162)
Freedom Party	46,103 (89,837)
Communists	17,585 (29,039)

On the basis of these returns, the new Land Legislature will be made up as follows: 24 representatives of the People's Party (previously 21), 21 Socialists (20), 3 of the Freedom Party (6). The single Communist representative forfeited his seat. In the Land government there will be 5 People's Party members as against a previous four; the Socialists will continue to have four members. The one Freedom Party-member in the previous government lost his mandate. As a result of the Styrian election, the Freedom Party is losing its last representative in the Federal Council (the second house of Parliament), in which now only the two Government parties are represented (People's Party 26, Socialists 24).

THE CASE OF SOUTH TYROL. The following statement has been made in Vienna in connection with the publication of the Memorandum of the Austrian Government dated October 8, 1956, and the Memorandum of the Italian Government of January 30, 1957, both dealing with South Tyrol:

In its memorandum of October 8, 1956, the Austrian Government complied with the wishes of the Italian Government for a bill of particulars concerning Austrian complaints with respect to adherence to the Paris Agreement of September 5, 1946. The point of departure of the Austrian Government in the question of South Tyrol is the Government statement made

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AUSTRIA, NEUTRALITY AND THE UNITED NATIONS

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HUNGARY LOWERS THE "IRON CURTAIN" AGAIN. The restoration of the "Iron Curtain" by military units of the Kadar regime is proceeding at full speed. Where barbed-wire entanglements have not yet been set up, preparations for erecting them are now under way. Numerous reports of such activities have been received from the areas of Heiligenkreuz, Oberwarth, Schachendorf and Rechnitz, as well as from the Seewinkel area east of Lake Neusiedel. Restoration of the barbed-wire entanglement near Heiligenkreuz has been completed. The newly-erected barriers run parallel with the railroad line and so-called customs highway.

In contrast to the earlier "technical barriers", the new Iron Curtain is being set up directly behind the Austrian State flags marking off the border. Two lines of entanglements are being drawn and preparations are being made for laying mine fields directly behind them.

These border security missions are being carried out by unarmed groups of Hungarian soldiers numbering about 30 each. They are under the protection of special commandos and immediately interrupt their work whenever attempts are made on the Austrian side to take pictures of them.

AUSTRIA STILL SHELTERING 52,000 REFUGEES FROM HUNGARY. According to the latest official survey on the Hungarian refugees, there are at the present time still 52,000 Hungarian refugees in Austria, even though 118,500 have already emigrated to other countries.

Of the above-mentioned number, more than 35,000 are living in State-supported camps, 7,500 are cared for by private aid organizations, and nearly 10,000 are sheltered in private homes. Most of the refugees live in Vienna, i.e. approximately 16,000, of which only 4,500 are in camps while 5,300 are supported by aid organizations and some 6,000 are living in private quarters. The largest number of camp refugees, i.e. approximately 11,000, are living in Lower Austria. At the present time, only 200 refugees are living in private quarters in Vorarlberg.

MARKED IMPROVEMENT IN BALANCE OF PAYMENTS. The figures recently published in Vienna on the Austrian balance of payments for 1956 show a considerably more favorable picture than that for the preceding year. The determining factors in this situation were the better balance of receipts and a considerable surplus in the balance of capital. As compared with 1955, the deficit in the trade balance fell from 4.59 to 1.91 billion schillings, or by about 58 per cent. Even excluding the 1.03-billion-schilling increase over 1955 in unrecom-

pensed State Treaty deliveries, the deficit was nevertheless smaller by 1.65 million schillings. In spite of the loss of income from sales of foreign exchange by Allied agencies, which amounted to 622 million schillings as late as 1955, there was also a considerable improvement in the balance of services, which ended the year with a surplus of 2.21 billion schillings as against 1.53 billion in the previous year. The decisive factor in this increase were the record receipts of the tourist trade which totalled 3.02 billion schillings. The last-mentioned figure was 887 million schillings, or 42 per cent higher than the figure for 1955. The 1956 balance of receipts closed with disbursements in the amount of 28,038 million and receipts in the amount of 28,337 million, with a surplus of 299 million, as compared with a deficit of 3,064 million in 1955.

Influential factors in the development of the balance of capital were, above all, the World Bank loans and the United States Government loans for the purchase of farm surpluses. Other surplus items in the balance of capital were additional foreign loans (Export-Import Bank cotton loan, loan of the Rotterdam Bank to the Austrian Electric Power Corporation etc.), while expenditures continued to be relatively slight, mainly for capital repayments. The balance of capital closed with a surplus of 1.39 billion schillings and was therefore an important factor in the increase by 1.37 billion schillings in Austria's valuta reserves. As a result, the losses of the preceding year appear to have been practically offset.

The unrecompensed services under the State Treaty represent an encumbrance of 1,337 million schillings on the balance of payments, as compared with only 359 million in 1955. Accordingly, the balance of payments for 1956 showed an overall surplus of 356 million as against a deficit of 3,407 million schillings in 1955.

AUSTRIAN PRECISION INSTRUMENTS VALUED ABROAD. The Austrian precision instrument business is noted for its high technical standards, the basis for its increasing international reputation is reflected in continuous rises in exports during the last year.

During the first three quarters of 1956, exports of surgical and other medical instruments reached a value of 7.2 million schillings, as against 5.4 million in the corresponding period of the preceding year (approximately 25 schillings to the dollar - Ed.). Particularly spectacular was the rise in value of mathematical and physics instruments from 9.8 million schillings in 1955 to 35.1 million last year. Similar upward trends were noted for cameras and lenses, with exports up from 24 to over 34 million schillings, while cinematographic projectors registered an increase from 25.8 to over 32 million schillings. Satisfactory increases were also reported for eyeglasses (5.5 to 7.8 million schillings), optical instruments (20 to 24 million schillings) and measuring instruments for commercial and industrial use (0.4 to 1.1 million schillings).

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The Case of South Tyrol

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by Chancellor Julius Raab on July 4, 1956, which is based on the following principles:

Austria still adheres to the Austro-Italian Paris agreement but is of the opinion that this agreement is not being fully implemented. Austria considers itself entitled to resort to all means authorized by international law in backing its demand for fulfilment of all international agreements to which it is a party, including the Paris Agreement. Such action on its part cannot be considered an impairment of the sovereignty of the other contracting State. Lastly, the Austrian Government is convinced that the still unresolved problems can be equitably settled in a spirit of friendship and European solidarity.

In reality, the substance of the Austrian memorandum represents nothing new: rather, it reviews the same questions regarding interpretation and implementation of the Paris Agreement which have become increasingly urgent in the ten years since it was signed.

The Italians maintain that the statute of autonomy for the Trentino-Tyrolian Adige region represents full implementation of the Paris Agreement, whereas the Austrian Government takes the view that the Agreement has not been fulfilled in every point. The details of the dispute relate to the equality of the German and Italian languages in public offices and public documents, to equal rights of members of the German-language ethnic group in respect of civil service employment and a fairer allocation of such employment, to the implementation of autonomy, and to the protection of the ethnic character as well as the cultural and economic development of the German-speaking population. The last mentioned problem constitutes the very purpose of the agreement.

Austria has proposed the formation of a mixed commission of experts whose task it would be to review all problems arising out of the Paris Agreement and its application and, within a fixed period, to submit proposals to both Governments concerning a settlement of the problem. The Italian Government, on the other hand, believes that such an exchange of views can take place only through normal diplomatic channels and that such a procedure is the only suitable method for settling the disputed details.

It is evident, even from the written exchange of views carried on thus far between Italy and Austria, that it will not be possible to reach a solution merely through diplomatic channels, since the problems are too complex and presuppose an extensive background of technical information. The fact that a commission of experts is the best instrument in situations of this kind was shown in the case of the negotiations concerning reciprocal recognition of academic degrees and titles. The Italian Memorandum contains no arguments which would justify Italy's negative attitude in this matter.

AUSTRIAN AUTOMAKERS TO PRODUCE MIDGET CAR. The Steyr-Daimler-Puch Works is currently retooling to produce a midget automobile designed to fill the gap between the motorcycle and the usual small-sized car. The project will be carried out in cooperation with the Turin Fiat works. Technical data are due to be published at the end of May.

RESULTS OF THE LATEST INDUSTRIAL CENSUS. According to a recent census of medium-sized and large industrial operations, there were a total of 214,827 industrial plants in Austria as of August 1st, 1956. More than half of them (53.53%) were plants with only one employee. Only 135 plants (0.06%) employed more than 1,000. However, while the 114,986 plants with 1 employee accounted for only 6.31% of the total number of persons employed, the 135 large industries accounted for nearly one fifth (19.94%) of the total number of employees.

Arranged according to principal groups, the industrial statistics present the following picture: 178,105 plants (82.91%) with one to five workers employ a total of 300,064 persons (16.57%); 31,931 plants (14.87%) with 6 to 49 employees account for 465,670 employees (25.56%); 4,791 plants (2.22%) with staffs of 50 or more persons have a total of 1,056,337 employees (57.97%). Of the total 214,827 operations, 401 are engaged in primary production and 318 are power plants. Industry and processing trades account for 75,818 plants. 73,241 operations are service businesses (hotel and restaurant trade, commerce, transportation, private insurance, health services, legal services, art, entertainment etc.). Public and domestic services account for 65,049 organizations.

STABLE WAGE AND PRICE LEVEL NECESSARY. The Austrian Federal Economic Commission met recently under the chairmanship of Chancellor Julius Raab to consider the price-wage situation. It was the unanimous view of the group that the Austrian economy could maintain its competitive ability, and thereby ensure full employment, only if price-wage levels in Austria were kept as stable as possible. During the past two years, such stability has been practically achieved. A comparison on an international scale shows that price and wage trends in Austria have not been more unfavorable than in other countries. The future trend in Austria requires particular attention, since upward tendencies are becoming more pronounced, even though the rate of economic expansion is beginning to slow down.

FEDERAL RAILROAD REVENUES INCREASE. Operational revenues of the Austrian Federal Railroads amounted to approximately 4.7 billion Schillings in 1956, as against 4.1 in 1955. Of the above amount, about 1 billion Schillings were derived from the transportation of passengers and baggage, 3.3 billion from the transportation of goods. Operational expenditures, which amounted to 6 billion Schilling, were on approximately the same level as in 1955. The load capacity of the system increased 3.5 per cent in respect of the hauling of goods and about 1.3 per cent in the transportation of passengers. (One dollar equals app. 25 schillings—Ed.)

API SEAL FOR ALPINE PIPE. The Austrian Alpine-Montan Company recently became the only Austrian company authorized to use the API monogram of the American Petroleum Institute in New York. The authorization was granted for the piping produced by the resistance-butt welding method at Alpine-Montan's Krieglach pipe works. As a result, it will now be possible to produce domestically at least part of the oil-field piping required by the Austrian petroleum industry.

WINTER UNEMPLOYMENT BEGINNING TO DROP. As of the end of February 1957, there were a total of 211,832 job-seekers in Austria, 138,257 (65.3%) of whom were men and 73,575 (34.7%) women. As compared with the end of January 1957, there had been a decrease of 7,309 (3.3%) in the total number. In the last-mentioned figure, there were 5,329 (72.9%) men. As compared with the end of February 1956, there were 12,200 (5.4%) fewer jobhunters.

At the end of 1956, total membership in the Austrian Trade Union Federation numbered 1,427,301. This figure — which is 28,855 or 2.1% higher than at the end of 1955 — is evidence that the Federation is continuing to make satisfactory progress. Of the figure for the end of 1956, 1,045,380 (73.2%) of the members were men and 381,921 (26.8%) women. In the case of the women, the increase amounted to 10,827 (2.9%) and in that of the men to 18,028 (1.8%). Last year the number of young people organized by trade Unions increased by 10.3% to more than 80,000.

The greatest increase, both relatively and absolutely, was registered by the union of mining and metal workers, amounting to 16,044 (6.6%). This organization with its 260, 109 members is one of the three largest unions, the other two being the construction and lumber workers (188,840) and employees in private industry (184,403). Seven unions have membership figures of over 100,000.

U.S. IS AUSTRIA'S MOST IMPORTANT COAL SUPPLIER. Last year Austria consumed approximately 4½ million tons of coal and coal briquettes, of which only 160,000 tons originated in Austrian mines. Although imports were only 7 per cent higher than in the preceding year, there were pronounced shifts with respect to the supplying countries. Imports from the United States more than tripled, amounting to 2 million tons. On the other hand, imports from all other countries decreased, particularly those from Poland. Brown coal consumption, which amounted to 7 million tons, was fairly constant as compared with 1955. Of this amount, more than 6 million tons was produced domestically.

PREPARATIONS FOR A 1957 POWER LOAN. The Cabinet recently decided that the draft Federal Law concerning facilitation of a loan for the Oesterreichischen Elektrizitaetswirtschafts AG (Austrian Electric Power Production Corporation) should be forwarded to the competent Federal Agencies for regular processing under constitutional procedures. As in 1953 and 1955, the power corporation loan is to be backed by a Federal guarantee, the Minister of Finance being authorized to assume liability up to a maximum of 350 million schillings.

AUSTRIA GRANTED NEW COTTON LOAN. According to an announcement by the Export-Import Bank in Washington, Austria is to receive a new cotton credit in the amount of 8 million dollars from the bank. The loan is drawable during the period between February 1, 1957 and April 30, 1958, and will run for a term of 18 months. The loan is the fourth transaction of its kind between Austria and the Export-Import Bank.

FURTHER INCREASE IN ALUMINUM PRODUCTION. In 1956 crude aluminum production rose to 70,760 tons, i.e. an increase of about 3.2 per cent as compared with the preceding year. From 1954 to 1955 the increase was 18.5 per cent. There was also a further rise in aluminum exports, the value of which rose from 418.8 million schillings in 1955 to 486.3 million schillings in 1956. The production of semi-finished aluminum articles rose to 26,100 tons in 1956.

AVERAGE TEXTILE EXPORTS UP 18 PER CENT. 1956 was a very favorable year for the Austrian textile industry. Exports of yarns and finished textiles amounted to 570 and 1,355 million schillings respectively and exceeded the schilling-value of 1955 deliveries by 18 per cent. A particularly high increase was reported for woolen and staple fibers and, in the area of finished goods, for rayons, lace, embroidered material, woven goods and decorator fabrics. At the end of November 1956, the Austrian textile industry reached the highest employment figure recorded since 1951 with a total of just under 80,000 employees.

AUSTRIAN STAPLE FIBER PRODUCTION UP 8 PER CENT. According to latest figures, Austria's staple fibre production increased in 1956 to 42,600 tons, or 8 per cent over the output of the preceding year. Nearly half of the total production was used for exports.

PREPARATIONS FOR NINTH DORNBIRN FAIR. Many reservations for space have already been received for the ninth Dornbirn Fair which will be held from August 2-11, 1957, in the Austrian province of Vorarlberg. As at the previous fairs, textiles, textile machinery and textile dyes from Austria and other countries will be the chief subject of the exposition. Demonstrations of the new synthetic fibers are planned on a larger scale than previously and it is hoped the fair will stimulate equipment and appliance sales in the textile industry.

"RIVER BUSES" FOR THE WACHAU AREA. The Austrian Danube Steamship Company has prepared a new attraction for the boating season which is about to begin: it is planning to run small passenger vessels, known as "river buses," between Krems and Marbach in the Wachau area. The vessels are of a new type and will be able to carry as many as 100 persons. They will put in at all the smaller Wachau localities where larger steamers cannot stop. The boats will be operated by two diesel engines with a capacity of 300 h.p. each and will have a speed of up to 13 miles per hour. Only two men will be required to run the vessels, which will be built of steel and have a body similar to that of a large bus. The management of the company decided to have these smaller vessels constructed because passenger traffic on the Danube has developed very satisfactorily during the past year. In 1955 the company's steamers transported approximately 408,000 passengers. This figure rose to 546,000 in 1956.

MARKED INCREASE IN FOREIGN TOURIST ACTIVITY. According to recently compiled statistics on the Austrian tourist trade during 1956, the number of overnight accommodations booked by Austrians rose 7% and that by foreign tourists by 18%. In actual figures, the number of accommodations for Austrian tourists rose from 11.59 to 12.44 million, and that for foreigners from 12.41 to 14.40 million.

Tyrol was again the Austrian Land counting the largest number of foreign visitors, who booked 4.84 million overnight accommodations; next in order come Salzburg with 2.92 and Carinthia with 2.02 million. Percentually, the greatest increase in visits by foreign tourists was recorded in Burgenland and Lower Austria, but the total number of foreign tourists was still lower than that of the other Laender. Vienna, with an increase of 33%, stood in third place. The number of overnight accommodations booked by foreigners in that city rose from 1.03 to 1.37 million.

Classified according to countries of origin, most of the foreign visitors, i.e. 8.7 million, came from Western Germany, including Berlin. 1.1 million came from Great Britain, 872,000 from the Netherlands, 812,000 from France, and 590,000 from the United States. Other countries of origin were Italy, Switzerland, Belgium, Luxembourg, Sweden and Denmark, in that order. The favorite Austrian Land for most tourists was Tyrol, where 2.7 million overnight accommodations were booked by German, 617,000 by British, 397,000 by Dutch, 358,000 by French, 135,000 by Belgian, and 112,000 by Italian visitors. Guests from the United States, Sweden and Switzerland, on the other hand, gave first preference to Vienna, while the Danes showed a preference for Salzburg, which ordinarily stands in second or third place. German bookings of overnight accommodations in Vienna did not amount to even one tenth of the German bookings in Tyrol, whereas bookings by Americans and Swedes in Vienna were nearly double those for Tyrol.

COUNT THE LEGS AND DIVIDE BY FOUR (OR TWO OR SIX). The following figures represent the total Austrian livestock population as confirmed by a census consolidated last December:

horses:	221,684
cattle:	2,324,637
hogs:	2,727,330
sheep:	226,648
goats:	226,843
fowl:	9,069,601
geese:	174,124
ducks:	156,899
bee colonies:	439,858

YOUTH HOSTELS SET NEW RECORDS. The Austrian Youth Hostel Organization recently announced that youthful Austrian and foreign hiking enthusiasts are expected to book a record number of overnight accommodations during 1957. The figure for overnight accommodations in 1955 was 477,000. In 1956 it rose to 500,000. Young visitors accounted for more 50 per cent of the last-mentioned figure.

Alfred Verdross, Vienna:

AUSTRIA, NEUTRALITY AND THE UNITED NATIONS*

I. The Various Interpretations of Neutrality up to the End of World War II

The law of neutrality developed relatively late in international law. To be sure, neutrality in practice has always existed, since there never has been a war in which all nations participated without exception. However, the rights and duties of neutral states were not determined in detail until the advent of neutrality law as we know it today, which developed after the Congress of Vienna (1815), first in the form of customary law and later in a codification, under the Fifth and Thirteenth Agreements of the Hague Peace Conference in 1907.

In this period, all neutral states were highly regarded, especially those which had undertaken to maintain permanent neutrality, since it was felt that they were perpetuating the normal conditions of peace while others reserved the right to resort to war. There was, however, a further factor: it was felt that the neutrals had the lofty mission of mediating between belligerents and of doing everything possible to strengthen the bonds among the family of nations. Gustave Rolin-Jaequemyns, the Belgian statesman and founder of the "Institut de Droit International," had these ideas in mind when, reporting to the Belgian Academy of Sciences in 1875 on the role and mission of neutral nations, he said that the permanently neutral states were entrusted with the sacred mission of watching over peace, order, national freedom and progress in international affairs.

This positive evaluation of neutrality was changed fundamentally during World War One. Whereas the previous belief had been that a state could best serve the ideal of peace by standing aloof from war and thereby setting a limitation on the extent of conflict, the new view was that peace could only be ensured if all states undertook to use every means at their disposal to assist nations which were victims of aggression. Thus, the idea of collective security was set up against that of neutrality. Reporting in 1924 on The Crisis of Neutrality, Alberic Rolin, the younger brother of Rolin-Jaequemyns, declared that neutrality was justified only when third-party states were unable to decide which side was in the right, and that otherwise neutrality was an expression of a selfish and cowardly attitude towards international relations. It was his view that the organization of a Community of Nations would mark the end of neutrality.

As a matter of fact, the Covenant of the League of Nations attempted to give effect to the idea of collective security by providing, in Article 16, that in the event of a war prohibited under the Covenant, it was the duty of all League members, without exception, immediately and directly to

break off all economic and financial relations with the aggressor state and to allow passage through their territory of the troops sent against the aggressor. Although this provision represented abandonment of the basic idea of neutrality, i.e. of impartiality toward both sides, the Covenant did not place upon members of the League the obligation to participate actively in military measures. It did, however, make it their duty to take a stand against the aggressor state and to proclaim a blockade against it.

Switzerland, too, had to take a stand with respect to this new development. It could not otherwise have applied for admission to the League of Nations without abandoning its permanent neutrality. In these circumstances, a compromise was reached between Switzerland and the League of Nations. On February 13, 1920, the League stated that "the concept of permanent neutrality is incompatible with the basic principle of the Covenant that all members of 'the League were to act jointly in order to bring about compliance with the obligations under the Covenant,'" but it exempted Switzerland from the duty of participating in military sanctions and also from the duty of allowing the passage of foreign troops. However, the duty to take part in economic sanctions was left standing. At the time, Switzerland considered such participation to be consistent with its policy of neutrality. Thus, in a message dated August 4, 1919, the Swiss Federal Government declared that neutrality did not include the duty of equal economic treatment. During the war between Italy and Ethiopia, however, Switzerland realized that this view was contradictory, since no state could be expected to treat as a neutral a state which had proclaimed an economic blockade against it. The realization of this state of affairs finally induced Switzerland to issue a statement on April 29, 1938, that it would no longer participate in economic sanctions, a decision which was noted without opposition by the Council of the League of Nations on May 14, 1938. In this way, Switzerland reverted to full neutrality without, however, leaving the League of Nations.

This reaffirmation of neutrality was not limited to Switzerland: After 1935 there was a rebirth of neutrality, since the League of Nations had proved to be too weak to give effective aid to states which were victims of aggression. As a result, a number of nations concluded non-aggression pacts in order to avoid being drawn into the impending conflicts.

Although these hopes were sometimes disappointed, nations like Switzerland, Portugal, Spain and Sweden did succeed in preserving their neutrality during World War II.

II. Temporary Neutrality under the Charter of the United Nations

Even during World War Two, the nations united against the Axis powers had returned to the idea of collective security, and this time there was a desire to deal a genuine death-blow to neutrality. Thus, Paul Boncour, a French delegate to the San Francisco Conference in 1945, advocated the inclusion in the Charter of the United Nations of an explicit pro-

* This is the text of a lecture recently delivered to the Swiss Bar Association by Professor Alfred Verdross, University of Vienna, Member of the Institut de Droit International and of the International Law Commission of the United Nations.

vision denying any state the right to evade its obligations under the Charter on the grounds of neutrality. Although this proposal was not adopted, the report of the First Committee does express the view that neutrality is inconsistent with the Charter. This idea is expressed in Article 2(5) of the Charter which places on all member states the obligation to give the United Nations every assistance in any action it takes and to refrain from giving assistance to any state against which the United Nations has taken action. Some writers go even further, maintaining that, under Article 2(6) of the Charter, these duties are also binding on non-members.

True neutrality is, however, possible under the Charter of the United Nations. This applies above all to wars in which the Security Council, lacking the necessary votes as provided by Article 27, is unable to adopt a resolution pursuant to Article 39, since in such a case third-party states — according to Article 51 — are entitled but not obligated to come to the assistance of a state which has been attacked. Thus, they can remain neutral. The same situation obtains when the General Assembly, under Articles 10 and 11, recommends that member states should support the victims of aggression, since such recommendations are not legally binding.

But even if the Security Council, in accordance with Article 39, has determined the aggressor and taken forcible action against it, a form of neutrality is still possible in certain circumstances, since the legal situation under the Charter is substantially different from that under the Covenant of the League of Nations.

Whereas Article 16 of the League Covenant made it the duty of all members, in the event of a prohibited war, immediately and directly to proclaim an economic and financial blockade against the aggressor state and to permit the passage of troops through its territory, the Charter of the United Nations is much more flexible. Article 39 of the Charter merely entrusts the Security Council with determining the existence of any threat to the peace, breach of the peace or act of aggression and to recommend the necessary measures for maintaining or restoring peace. Accordingly, the members of the United Nations — unlike the members of the League of Nations — are not obliged to proceed immediately and directly against an aggressor but can wait for a decision of the Security Council before undertaking any action. On the other hand, the Security Council is not under obligation to obtain the participation of all member states in the use of force and can exempt individual nations from participation. This is evident not only in the discretion accorded the Security Council in carrying out coercive measures but also in the positive provisions of Article 48 of the Charter, according to which the decisions of the Security Council may be carried out by all or some of the members, as the Security Council itself may determine. Thus, it is entirely up to the Security Council to decide how many and which states it will ask to participate in its actions. There can, accordingly, be no neutrality if the Security Council calls for the participation of all member states. But if it exempts some states from the action, such states can declare themselves to be neutral in these cases.

There is the added fact that participation in forcible action of a military nature, including the grant of permission

for the passage of troops, is subject — under the terms of Article 43 of the Charter — to the conclusion of a special treaty between the Security Council and the individual states. Thus, there is no need for a formal release from the duty of participating in such measures, such as that granted by the League of Nations to Switzerland: it is enough that the Security Council refrain from submitting a draft treaty, as provided in Article 43(3) of the Charter, to those states which it wants to exempt from participation in military sanctions.

III. Permanent Neutrality and the United Nations

It is another question whether permanent neutrality is also possible under the United Nations Charter. To start with, however, it should be pointed out that the United Nations admitted Austria as a member on December 14, 1955, although that nation had only a few months before been recognized as a permanently neutral state by all the Great Powers and by a number of other states.

This new Austrian status goes back to the Moscow Memorandum of April 15, 1955, in which the Austrian delegation undertook to take steps to carry out the following resolutions and measures:

1. *Pursuant to its declaration at the Berlin Conference in 1954 not to enter any military alliances or to allow foreign military bases on its territory, the Austrian Federal Government will make a declaration under which Austria gives an international undertaking to maintain permanent neutrality in the same manner as Switzerland.*

2. *The Austrian Government, in accordance with the provisions of the Austrian Constitution, will submit such a declaration to Parliament for adoption, immediately after ratification of the State Treaty.*

3. *The Austrian Government will take all appropriate steps to obtain international recognition for such a declaration as confirmed by the Austrian Parliament.*

4. *The Austrian Government will welcome a guarantee by the Four Big Powers of the integrity and inviolability of the territory of the Austrian State.*

5. *The Austrian Government will take steps with the Governments of France, Great Britain and the United States to obtain the issuance of such a Four-Power guarantee.*

The adoption of these measures envisaged in the Moscow Memorandum, and already recognized by the Soviet Union in the same document, was soon approved a short time later by

THE AUSTRIAN NEUTRALITY LAW

adopted by the Austrian Parliament on October 26, 1955, reads: "In the interest of permanently maintaining its outward independence and in the interest of the inviolability of its territory, Austria voluntarily declares its permanent neutrality. Austria will defend this neutrality with every means at its disposal. In order to safeguard these interests, Austria will refrain from joining military alliances at any time in the future and will not allow foreign states to erect military bases on its territory."

the Austrian Parliament and also by the Governments of Great Britain, the United States and France — except for the as yet unclarified question of guaranteeing Austrian neutrality.

In addition, in the preamble to the State Treaty signed in Vienna on May 15, 1955, the Four Powers stated their willingness, in connection with the restoration of an independent Austria, "to support the application of Austria for admission to the United Nations."

It is evident from these provisions that the four most important permanent members of the Security Council, even at the time of signing the State Treaty, were convinced of the compatibility of permanent neutrality and membership in the United Nations. However, the other members also gave their approval to this concept, since they admitted Austria to membership in the United Nations although that country had declared itself to be permanently neutral in a constitutional law of October 26, 1955, and had informed the other states of this status, requesting their recognition thereof. Austria's admission was voted without any discussion whatever as to the compatibility of neutrality with membership in the organization. Accordingly, the member states, and in particular the permanent members of the Security Council, assumed the obligation never to associate the Republic of Austria in coercive measures since this would be in violation of its neutrality. It cannot be argued in opposition that the obligations arising under Article 103 of the Charter take priority over the other treaty obligations since, as we have already seen, the Security Council is entitled to exempt some states from coercive measures. It can do this in concrete, individual cases and it can also do so on a general basis, with respect to all future conflicts, since the question of whether a member state shall be associated in a coercive action lies entirely at its discretion. The only limitations on its action in this respect are those arising out of the general purpose of the United Nations, the maintenance or restoration of peace and international security.

Another consideration is the fact that, under Article 27 of the Charter, every permanent Security Council member can individually prevent the association of a particular state in coercive action. It would therefore be necessary for *all* of the permanent Security Council members to disregard the permanent neutrality of Austria, which they themselves have recognized, in order to include Austria in non-military measures while the inclusion of Austria in military measures is completely impossible, in the absence of a special agreement as provided by Article 43.

India and Sweden have also expressed the desire to remain neutral in future wars. In fact, India was selected by the United Nations, along with neutral Switzerland, a non-member, and Sweden, to supervise the armistice in Korea: this is clear evidence that, in actual practice, the United Nations recognizes neutrality, even though this is in contradiction with the views expressed at the San Francisco Conference. The neutrality of Sweden and India differs from that of Austria in that the latter is a permanent, internationally guaranteed neutrality, whereas the former is merely a political maxim which can be terminated at any time by a unilateral expression of will by the countries concerned, without involving any violation of international obligations.

The foregoing remarks show that there is a new appreciation of neutrality, now that two huge blocs have developed in the world. The important mission of neutral states is also recognized by the new Geneva Conventions of August 12, 1949, on the protection of victims of war, the implementation of which is placed under the defense and supervision of neutral custodian powers. This shows that, in certain circumstances, a state not aligned with either of the two blocs can better serve the preservation of world peace by remaining permanently neutral than by joining one of the blocs. The permanent neutrality of a state is justified if it is decided upon not only for reasons of self-preservation but also in the conviction that such a policy serves the higher interests of peace. For these reasons, Switzerland was granted a special position within the framework of the League of Nations. It is therefore appropriate to recall two ideas by which Switzerland justified its special position in the League at that time. One passage from the Swiss communication on the subject reads: "It cannot be denied that, as abstract concepts, neutrality and the League of Nations are mutually exclusive. Neutrality means maintenance of peace by non-intervention, whereas the League of Nations wants to ensure peace by the joint action of its members. At a time when so many nations have made the utmost sacrifices in the belief in the justice of the cause they were defending, there is necessarily a widespread lack of understanding for neutrality, which is considered as indifference to the cause of right. However, the neutrality represented by Switzerland has nothing in common with neutrality based merely on expediency. Switzerland's neutrality is based on principle and is permanent." Further on, the communication states: "The neutrality of Switzerland in the framework of the League of Nations may appear to be inconsistent, but it is in fact completely justified. Like all the products of history, the League of Nations is not merely a system built on abstract principles: on the contrary, it is subject to the geographical and historical properties of its member states and it is a compromise between a perfect organization of peace and the political possibilities of the present period." The same principles still apply to the admission to the United Nations of a state which, for special reasons, is seeking the exceptional position of a permanent neutral state within the Organization.

The supreme purpose of the United Nations is to maintain world peace. Accordingly, all measures of implementation provided under the Charter for the normal fulfilment of this purpose must be set aside if such an exception is a means towards this end.

CULTURE AND SCIENCE

NEW YORK CONCERT OF VIENNA ACADEMY CHORUS.

The Vienna Academy Chorus is currently making its third, extremely successful tour of the United States. As last year, the Chorus is under the direction of Dr. Guenther Theuring. The group will reach New York on April 12 and on Saturday, April 13, at 6 p.m., it will give a concert at the main gallery of the National Arts Club on Gramercy Park. The event, which will be open to the public, will be broadcast live over Station WNYC.

HANS FRONIUS EXHIBITION IN MEXICO. Dr. Rudolph Baumann, Austrian Ambassador to Mexico, recently opened an exhibition of about 100 works by the Austrian painter and designer Hans Fronius at the "International Friendship Hall" of the National Institute of Fine Arts in Mexico City. The opening of the exhibition, which was followed by a reception given by the Austrian Ambassador, was attended by several leading representatives of the cultural life of Mexico. The Mexican Ministry of Education was represented by M.A. Acosta, General Director for Fine Arts.

WORLD-FAMOUS ENSEMBLES TO APPEAR AT VIENNA BURGTHEATER. Vienna's Burgtheater is preparing a wonderful program for the 1957 Vienna Festival. The Festival Season will open in June with Leopold Lindberg's production of Raimund's "Alpenkoenig und Menschenfeind". This is to be followed by a series of appearances of foreign ensembles, the first of which will be Boleslav Barlog's group from Berlin performing Shaw's "Major Barbara". Next, there will be a presentation of Alexis Kivi's drama "The Seven Brothers," as performed by The Finnish National Theater. London will be represented by a production of Shaw's "Androcles and the Lion" starring Sir Laurence Olivier and Vivien Leigh. The highlight of the Festival is expected to be the guest appearance of the Comedie Francaise in Moliere's "Le Bourgeois Gentilhomme." According to present plans, the Drama Festival will close with a production of T.S. Eliot's "Herrenhaus" as performed by the Gruendgens group from Duesseldorf.

dorf. Other works on the Burgtheater repertory for June are "Columbus", "Schafft den Narren fort" and "Measure for Measure".

BEETHOVEN MEDAL AWARDED TO INGRID HAEBLER. The Beethoven Medal, awarded in London every year by the Harriet Cohen Foundation in commemoration of Artur Schnabel, this year went to the Austrian pianist Ingrid Haebler.

FIRST EUROPEAN PERFORMANCE OF "TIME LIMIT." The Vienna "Theater in der Josefstadt" is preparing the European debut of the American play "Time Limit" by Henry Denker and Ralph Berkey for April 9th. The play which is concerned with the Korean War, has been adapted into German by Joseph Gluecksmann under the title "Zeitgrenze." Direction has been assigned to Leonard Steckel with the leading roles played by Walther Reyer, Helmuth Lohner and Hans Jaray.

SCHOENBERG OPERA PREMIERE AT 1957 ZURICH FESTIVAL. Under the auspices of the "International Modern Music Festival" in Zurich, Arnold Schoenberg's opera "Moses and Aaron" will be given its first fully staged performance at the Zurich Civic Theater with a cast of fifty-two. The event will take place on June 6, the last day of the one-week Festival.

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